

REMARKS

The Office Action dated September 8, 2009 has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto. Claims 1-6 have been rejected. Thus, claims 1-6 are pending in this application. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of all rejections.

Rejection Under 35 U.S.C. §102

Claims 1-6 are rejected under 35 U.S.C. §102(b) as being anticipated by Murata Kenichi et al. (Japanese No. 2004-009176, hereinafter “Kenichi”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Kenichi is not proper prior art as to this application. As provided in 35 U.S.C. § 363, the effective U.S. application date of the instant application is October 15, 2004, the filing date of International PCT Application Number PCT/JP2004/015276, which designates the United States. The 35 U.S.C. § 102(b) critical date is October 15, 2003 (one year prior to the U.S. application date). Finally, the Office Action Summary acknowledged the October 23, 2003 priority date claimed by the instant application, pursuant to 35 U.S.C. § 119.

Kenichi was first published on January 15, 2004, three months after the critical date and the priority date. Consequently, Kenichi is not a proper reference under 35 U.S.C. § 102(b).

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO.: 10/576,922
ATTORNEY DOCKET NO.: 107443-00045

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-6 under 35 U.S.C. §102(b) over Kenichi.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 107443-00045.

Respectfully submitted,



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